



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

FEB 06 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ivan Jurin
1 Meadow Drive
Perkasie, PA 18944

RE: NOTICE OF NONCOMPLIANCE: TSCA-III-15-0011

Dear Mr. Jurin:

The United States Environmental Protection Agency ("EPA") serves this Notice of Non-Compliance ("NON") to you, for violations of Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("Section 1018") and the regulations promulgated thereunder at 40 C.F.R. Part 745, Subpart F ("Disclosure Rule"), committed in connection with the lease agreements of residential dwelling units located in Macungie, Pennsylvania. According to the definitions provided at 40 C.F.R. § 745.103, which are listed in the "DEFINITIONS" section below, you were the lessor of residential dwelling units located in Macungie, Pennsylvania.

AUTHORITY

Under Section 1018 and the Disclosure Rule, whenever a lessor enters into an agreement to lease residential units built prior to 1978, the lessor is required to meet the lead-based paint notification and disclosure requirements of Section 1018 and the Disclosure Rule. In addition, an agent who enters into a contract with a lessor, or a representative of a lessor, for the purpose of leasing target housing, is required to ensure compliance with the requirements of the Disclosure Rule. If a lessor or an agent fails or refuses to comply with the Disclosure Rule, the lessor or agent has committed a prohibited act(s) under the Toxic Substances Control Act § 409, 15 U.S.C. § 2689 ("TSCA") and is liable under TSCA § 16, 15 U.S.C. § 2615, for civil penalties. EPA has determined that you are the lessor of certain "target housing" as defined in 40 C.F.R. § 745.103, located at the address referenced herein, with respect to the lease of such housing.

DEFINITIONS

The following terms shall be defined as specified below. **Please refer to these definitions to properly understand their use and meaning in this Notice of Non-compliance (NON).** Unless otherwise defined below, the terms used in this information request have the meaning given in the Residential Lead-Based Paint Hazard Reduction Act of 1992 and its implementing regulations at 40 C.F.R. Part 745. A copy of these regulations is enclosed.

1. "Agent" means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. This term does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser.
2. "Document" means the original or an identical and readable copy thereof, and all nonidentical copies (whether different from the original by reason of notations made on such copies or otherwise), of any writings or records of any type or description, however created, produced or reproduced, including but not limited to any agreements of sale, contracts, deeds, riders, other agreements, leases, certifications, papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews, conferences, or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, jottings, agendas, bulletins, notices, announcements, advertisements, instructions, charts, manuals, blueprints, brochures, publications, schedules, price lists, client lists, journals, statistical records, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing program libraries, data processing input and output, microfilm, books of accounts, records and invoices reflecting business operations, all records kept by electronic, photographic or mechanical means, any notes or drafts related to the foregoing, and all things similar to any of the foregoing, however denominated.
3. "Lead-based paint" means paint or other surface coatings which contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.
4. "Lead-based paint free housing" means target housing that has been found to be free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.
5. "Lessee" means any entity that enters into an agreement to lease, rent, or sublease target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.

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6. "Lessor" means any entity that offers target housing for lease, rent, or sublease, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.
7. "Owner" means any entity that has legal title to target housing, including but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations, except where a mortgagee holds legal title to property serving as collateral for a mortgage loan, in which case the owner would be the mortgagor.
8. "Purchaser" means an entity that enters into an agreement to purchase an interest in target housing, including, but not limited to individuals, partnerships, corporations, trusts, government agencies, housing agencies, Indian tribes, and nonprofit organizations.
9. "Risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of any hazards associated with lead-based paint hazards in target housing, including: information gathering regarding the age and history of the housing and occupancy by children under age 6; visual inspection; limited wipe sampling or other environmental sampling techniques; other activity as may be appropriate; and provision of a report explaining the results of the investigation.
10. "Target Housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.

INVESTIGATION

You are the lessor of certain "target housing" located in Macungie, Pennsylvania. On April 23, 2014, an EPA lead inspector initiated an investigation to determine if you are in compliance with the lead-based paint notification and disclosure requirements of Section 1018 and the Disclosure Rule. The EPA lead inspector obtained information from lease agreements and related documents during the investigation. The lease agreements reviewed did not contain complete disclosure information. The following observations indicate violations of the Lead Disclosure Rule with respect to the target housing unit located at the following address:

Agreement Number	Property Address	Lease Date
1	3024 Seisholtzville Road, Macungie, Pennsylvania	11/1/12

The above lease agreement did not include the following, either as an attachment or within the agreement itself:

1. a lead warning statement as required by 40 C.F.R. § 745.113(b)(1);
2. a statement disclosing the presence of known lead-based paint and/or lead-based paint hazards in the property **or** indicating no knowledge of the presence of lead-based paint hazards as required by 40 C.F.R. § 745.113(b)(2);
3. a list of any records or reports available to the lessor pertaining to lead-based paint hazards in the property **or** an indication that no such reports or records exist in accordance with 40 C.F.R. § 745.113(b)(3); and
4. a statement by the lessor affirming receipt of the information set out in 40 C.F.R. § 745.113(b)(2) and 40 C.F.R. § 745.113(b)(3), and affirming receipt of the pamphlet *Protect Your Family from Lead in Your Home* required by 15 U.S.C. 2696, as required by 40 C.F.R. § 745.113(b)(4).

The lease agreement was executed by you, for the lease of the property listed above. Therefore, for the lease transaction at the above property, you did not comply with all applicable requirements at 40 C.F.R. §§ 745.113(b)(1), 113(b)(2), 113(b)(3), and 113(b)(4).

VIOLATIONS

As a lessor, you rent target housing (pre-1978 housing) and therefore must comply with the Disclosure Rule. The Disclosure Rule became effective on September 6, 1996. Due to the incomplete lead disclosure performed in the lease transactions described above, you have committed the above-cited violations of the Disclosure Rule regarding written lease agreements for the lessors.

If you are not already doing so, you must ensure that the appropriate disclosures, including any lead hazard notice information, are made to any lessors of the units listed above of target housing covered by the requirements of the Disclosure Rule, who signed lease agreements after September 6, 1996. The requirements are applicable to any and all other lease agreements for target housing for which you are the owner, seller, or agent except as otherwise provided in the Disclosure Rule. You must also ensure that you provide the necessary lead disclosure information to the lessees, including a list of lead-based paint documents, for all future lease transactions for any and all target housing for which you serve as the lessor, before they become obligated under their respective lease transactions.

Each violation of the Disclosure Rule is a prohibited act under Section 409 of TSCA, 15 U.S.C. 2689. Such prohibited acts can result in civil penalties of up to \$16,000.00 per

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violation, under Section 16 of TSCA, 15 U.S.C. 2615. (The penalty amount under the Disclosure Rule was adjusted from \$11,000.00 to \$16,000.00 under the Civil Monetary Penalty Inflation Adjustment Rule. 73 Fed. Reg. 75340 (Dec. 11, 2008)). **However, after consideration of the facts in this case and the information that you have provided, at this time EPA is issuing to you a Notice of Noncompliance ("NON") instead.** An NON is a warning letter that EPA may issue to alert parties of actual or potential violations, and to require corrective action.

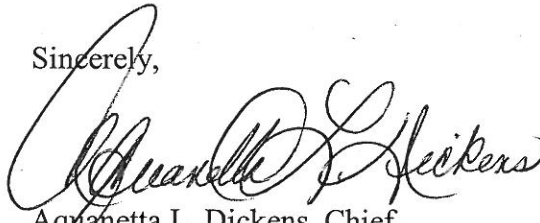
Please notify EPA Region III in writing within 30 days of receipt of this NON that you have taken the necessary corrective actions to come into compliance for the above listed properties and any other target housing rented or sold by you.

EPA is hereby notifying you that any lease and/or sale transactions that you conduct involving target housing must be made in strict accordance with the Disclosure Rule. Enclosed is an EPA Section 1018 Disclosure Rule and Section 402(c) - Renovation Repair and Painting Rule Compliance Package. You may make photo copies of the pamphlet, *Protect Your Family From Lead in Your Home*, for distribution to any future tenants.

Questions and correspondence relating to this NON should be directed to Annie L. Hoyt of my staff at:

Annie L. Hoyt, Lead Compliance Officer (ESC)
U.S. EPA-Region III/ Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755
Phone: (410) 305-2640

Sincerely,



Aquanetta L. Dickens, Chief
Toxics Programs Branch

cc: Susan Wilkinson, PADEP
Enclosures

